Adjournment motion *re*: Appointment of a Second Additional Judge.

President.—I have received an adjournment motion from the Hon'ble Member for Mulakunnathukavu. I will read it.

"Under Rule 18 of the Cochin Legislative Council Rules I have the honour to request for your leave to adjourn the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the urgent necessity of appointing a second Additional Judge to clear the very heavy arrears in the Anjikaimal District Court".

Has the Hon'ble Member anything to say in respect of this motion?

Mr. P. Kumaran Ezhuthassan.—Mr. President, Sir. The adjournment motion is aimed at a discussion of the urgency of appointing a second Additional Judge in the Anjikaimal division to clear off the heavy arrears that have accumulated in the two Courts functioning there. I understand that as many as 207 original suits, 379 appeals and 269 miscellaneous petitions were pending at the close of 1109. Of which 70 original suits, 155 appeals, 50 execution petitions, 47 miscellaneous petitions, 35 land acquisition cases, 2 miscellaneous appeals, 7 insolvency petitions, 1 petition under the Nair Regulation, 3 under Guardian and Wards Regulation, and 4 under Probate and Administration Act, are over one year old. These are cases pending disposal at the close of 1109. Another quarter has passed by and that quarter, I understand has not been one in which there has been any reduction in the number that I have read out. On the other hand the number has increased. In these state of affairs the Hon'ble Chief Court found it necessary to report to the Government on 2-2-10, that is more than two months back to appoint a second Judge to dispose of these heavy arrears. I also understand that the request of the Chief Court was to have this sanctioned as early as possible. I further understand that the Royal Assent that is necessary for this has also been obtained at the very earliest date possible. Two months have passed by and even at this date, we do not find anybody appointed for doing this important and urgent work. It is to discuss the necessity for appointing a Judge as early as possible to dispose of these heavy arrears that I have tabled this motion. The conditions to be satisfied for the leave to adjourn the business of the House are also

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satisfied, because all that has been set down in Rule 19 have been complied with in this case. Sub-clause (1) of Rule 19 will not operate against me. Because this is the only motion that has been placed before the Chair to-day. Sub-clause (1) lays down that "Not more than one such motion shall be discussed at the same sitting". Sub-clause (2): "Not more than one matter can be discussed on the same motion". Evidently there is only one matter viz. the urgency for appointment. Sub-clause (3) also will not stand in the way. "The motion must not revive discussion on a matter which has been discussed in the same session". Admittedly this has not been discussed. Sub-clause (4) also will not stand in my way. "The motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given." None of the 44 resolutions tabled for this session, has this point raised in it. The last clause also does not stand against me. "The motion must not deal with a matter on which a resolution could not be moved". This is a subject on which under the rules a resolution could be moved. The other question is whether it is a matter of urgent public importance. On that question I have only one word to say and I will be done. No argument will be necessary to say that dispensation of justice, for which alone the courts exist, is a matter of public importance. Then the urgency is the only other point. The number of cases that I have read out and the pendency of the suits will clearly show that the disposal of those cases as early as possible is very urgent for the simple reason that justice delayed is justice denied.

President:—It is true that the sub-clauses of Rule 19 do not stand in the way of the motion. But I am sorry to find that it is the main clause that stands in the way, i. e., the urgent public importance. The public importance of the motion, nobody questions. But with regard to the urgency of the matter I find that it does not satisfy the spirit of the rule, because you will remember that one of the supplementary grants moved yesterday was in connection with the District Courts and it was perfectly open to the Hon'ble Member to have sent in a cut motion on that supplementary grant where this question could have been very elaborately discussed. As this has not been done I do not think that this motion satisfies the condition of urgency which is more important under that section. So I rule that it is not in order.

We shall continue yesterday's discussion.

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